

The Pacific Commercial Advertiser

U. S. WEATHER BUREAU, February 4.—Last 24 Hours' Rainfall, .12.
Temperature, Max. 71; Min. 64. Weather, variable.

ESTABLISHED JULY 2, 1856.

SUGAR.—96 Degree Test Centrifugals, 3.64c. Per Ton, \$72.80.
SS Analysis Beets, 10s. Per Ton, \$82.20.

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HONOLULU, HAWAII TERRITORY, FRIDAY, FEBRUARY 5, 1909.

PRICE FIVE CENTS.

ACTION BEGINS TODAY AT LAST

Municipal Muddle Will Reach Courts—Men Are Paid.

Formal action to compel Treasurer Trent to pay the salary warrants of the employees of the Honolulu road department will probably be taken today. Such was the intimation given out at the office of the City Attorney yesterday, where it was stated that the action taken at the meeting of the Board of Supervisors in the morning had made it possible to go right ahead with the mandamus suits. The action referred to was the passing over the veto of the Mayor of the ordinances which abolished the various holdover county offices and which created the standing committees of the Board and gave them authority to fire, hire and fix payments. The commencement of the court actions has been hung up until these ordinances were finally and formally passed and the matter clinched.

It is understood that the road laborers are not positively suffering for the lack of the money they have coming to them, some of the men of finance in the party having come to the rescue and advanced the dollars to the men, taking orders on the road supervisor for the amounts. It is understood, too, that some of the men have discounted their warrants and that these are held in the hands of those who have been paid very well to wait.

A communication from F. S. Dodge, superintendent of the Bishop Estate, called attention to the fact that a promised concrete retaining wall along a Kaakako road was a year overdue. Quinn was reminded by this that the Bishop Estate was overdue in the matter of street curbs in some parts of the city.

The Supervisors will meet again on Tuesday evening next at 7:30.

PRIMARY ELECTION LAW PASSING MANY HANDS

The primary election law is nearly ready for the consideration of Governor Frear. The legal aspects of the document have been receiving the earnest consideration of Secretary Mott-Smith and he concluded his labors in that connection yesterday. With his findings and comments attached, it was returned to the Attorney General's office and is now in the hands of Assistant Deputy Attorney General Whitney, who drew it up.

After the document has been gone over again by the Attorney General's office it will be handed to the Governor for final consideration before it is turned over to the Legislature. It is believed that the act will remain substantially the same as originally drawn up and that the primary election law of Wisconsin, which was taken as a model with the necessary requirements of local conditions, will prove acceptable to all those interested in the measure.

SCHOOL CHILDREN ON LINCOLN'S BIRTHDAY

The school children of Honolulu will play an important part in the hundredth anniversary of Lincoln's birthday on February 12th if the plans of Superintendent of Public Instruction Babbitt are carried out by the committee in charge.

Superintendent Babbitt has suggested that a stand to accommodate 750 children be erected in Palace Square and he has drawn up a tentative program that includes a flag drill by all the children, a song, "Battle Hymn of the Republic," reading "The Perfect Tribute" by Mrs. McCandless; song, "Home Sweet Home;" flag drill, sixteen girls led by Miss Adams; song, "Our Country's Flag;" Gettysburg Address; Flag Salute; song, "Star Spangled Banner."

ATCHERLEYS CALL MASS MEETING

Will Hold Forth in Front of
the Magoon Building
Tonight.

Leaning out from a second-story window in the Magoon building, Mrs. Mary Atcherley last night announced to a fair-sized gathering of curiosity-seekers that she had called a mass meeting for tonight, at which both she and her husband will speak. The meeting will be held on Queen street, in front of the Magoon block, where Dr. Atcherley has remained behind locked doors since yesterday morning, and it is the intention of Mrs. Atcherley to secure one or two of the Hawaiian legislators to speak.

"It's a shame and an outrage," she said last night from her Juliet-like perch, in speaking of the action of the Attorney General in ordering Dr. Peterson to take her husband in charge. "The Doctor is no more insane than you or I, and, for that matter, he is not half so much a lunatic as Dr. Emerson, down at the police station. When the officers came after my husband yesterday, he asked them if they had an order from the court to take him to the asylum, and when he found out that they had no warrant, he very naturally refused to accompany them. If they had brought a warrant for him the Doctor would have accompanied the officers quietly and without making any fuss."

"But the Attorney General had no right to take such action. We knew of this several days ago—we knew that they were going to try to kidnap the Doctor—and so we were prepared. We have friends who bring us plenty to eat, and we can stay here in these comfortable quarters for a week. We will hold a mass meeting here tonight and I will get out the posters this morning. This is the only way we have to show the people how badly we are being treated. There is no chance for a poor man in this country."

The sensational feature of yesterday's developments was that Attorney Magoon advised Atcherley to shoot anyone who attempted to take him from the former's office. All night police officers from the station house and a big guard from the Asylum watched the Magoon building to see that Dr. Atcherley was taken into custody if he attempted to leave.

"We look upon Dr. Atcherley in the light of an escaped lunatic," declared Attorney General Hemenway yesterday. "I have requested Sheriff Jarrett to take him into custody as such and it now remains with the officers of the law. We hold that the notice of appeal that was made when Judge Robinson made his order discharging Atcherley from custody acted as a stay of execution and that Atcherley should have remained in the custody of Dr. Peterson until the matter could come before the Supreme Court in regular form. The only order that is now operative according to our view is the commitment by Judge Andrade which placed Dr. Atcherley in the insane asylum."

The Attorney General has fifteen days in which to file a brief with the Supreme Court and Atcherley's attorney (Continued on Page Two.)

RAPID TRANSIT AND HILO RAILROAD COMPANY EXEMPT

Both Hold Charters Approved by Congress
Which Are Not Subject to Recent Decision
of Hawaiian Supreme Court.

Editor Advertiser.—The inferences which have been drawn from the decision of the Supreme Court in connection with the Hawaiian incorporation law are not entirely correct.

The exact technical point involved in the matter is as follows:

The Hawaiian statute provides two modes of incorporation. One of these methods is by securing a charter which is granted by the Treasurer with the consent of the Governor.

The other method of incorporation is by Articles of Association which are in the form of an agreement drawn up and signed by the parties and filed with the Treasurer. Provided the papers are in proper technical form the Treasurer has no discretion in the matter. He does not grant anything, nor is the consent of the Governor necessary.

All that the Treasurer does is to receive the papers, file them and issue a certificate that such filing has taken place.

The question at issue arises through the ambiguous wording as to the kinds of corporations that are to be respectively incorporated under the two methods.

The incorporation by charter above indicated is covered by Section 2542 of the Revised Laws, which says that

ITALIANS READY TO COME HERE

Mr. Trenor States Government
Experts May Visit
Islands.

The cooperation of the Italian government and the powerful Italian societies of New York City has been secured in the plan to bring Italian families to Hawaii, and there is every indication that, within the course of a very short time, the first batch of immigrants, fifty families strong, will be on their way from New York.

In a letter that has been received by Secretary Mott-Smith from J. D. Trenor, the special agent of the immigration bureau at Washington says he has met with much success and has not only enlisted the aid of the immigration representative of the Italian government in the United States, Professor J. D. Attolico, in the work, but also a Mr. Fabri, the president of the consolidated Italian societies of New York City. These two men have about become convinced that their countrymen would find a desirable field of effort in Hawaii, and it is believed that either Fabri or Professor Attolico will come to Hawaii to make a personal inspection of the conditions upon the sugar plantations.

Congress Interested.
In connection with the migration of Italians from New York to Hawaii it is also probable that a subcommittee of the Congressional committee on immigration will come to the Islands this summer, Senator Dillingham, chairman of the committee, and Assistant Secretary of Commerce and Labor William R. Wheeler believing that this would be productive of more enlightenment upon the general situation.

The committee has asked for a copy of Mr. Trenor's report on the island labor conditions as he found them during his recent visit, and it is understood that they will go deeply into the question of bringing Italians to the Islands.

"The assistance that Mr. Trenor has secured by getting the Italian societies and the Italian government interested in the subject practically assures its success," said Secretary Mott-Smith in discussing the latest advice from Trenor yesterday. "If the Italian government and the societies send a representative here and they report favorably on labor conditions, it will be an easy solution to the matter. The Italians will accept without question what their own countrymen say, and (Continued on Page Five.)

UNUSUAL ACTIVITY IN NAVAL CIRCLES ON PACIFIC COAST

EXTREMES MEET IN MINORITY

Petrie and Emmeluth Differ
Enough to Vote One
With the Other.

There were two votes registered against the proposal to take a postcard vote of the members of the Merchants' Association to ascertain the sentiments of the sixty odd members on the question of the suspension of the coastwise law. One of these votes was that of T. H. Petrie, who didn't want any suspension of the law at all; the other was that of John Emmeluth, who wished to have the matter go much further than proposed and include a suspension of the law altogether, on passengers, freight and everything else. The two extremes marked the opposition to the postcard vote suggestion.

In favor of taking the vote, were sixteen of the nineteen at the meeting of the association yesterday, these being James Steiner, H. von Hamn, W. T. Lucas, J. M. Riggs, W. H. McInerney, J. H. Hertsche, H. H. Williams, C. S. Crane, E. Berndt, R. J. Buchly, Wm. Lishman, W. F. Dillingham, J. L. Cockburn, M. A. Gonsalves, A. E. Wall, Fred L. Waldron was in the chair, this being the first meeting presided over by him in his new position of president.

(Continued on Page Four.)

PLENTY OF RAIN IN THE NUUANU VALLEY

A heavy rain fell in the Nuuanu valley and for the first time in over a year the gulches down the Pali were running with water. There was plenty of moisture for the ground to absorb and the rainfall was sufficient to fill the reservoir to a height that assures a sufficient water supply from it for the next month.

Superintendent of Public Works Marston Campbell went up to the dam yesterday and was well pleased with conditions as he found them. In his opinion the dam can be completed within the course of four months and what is a great deal more important, in view of the depleted condition of the treasury, is the fact that no further appropriation will be necessary.

The rainfall came practically all above the dam, three inches in all falling. The result has been that the collected waters in reservoir 4 were drawn upon and all the lower reservoirs filled, while the big reservoir had eight feet in it last night with more rushing in from every gulch. Lulumahu is sending down a stream eighteen inches deep and five feet wide, every waterfall on both sides of the valley is playing and the watershed is soaked. The Superintendent of Public Works estimates that there will be a run-off of five million gallons a day for the next week from yesterday's rain, while the indications are that more rain will come.

This will enable sluicing operations to go ahead in full blast for some time to come and the legislators will find the construction crews busy when they pay their trip of inspection. Last session, when the appropriation asked for was voted, it was promised that this session there would be a big loan given the members of the Legislature on the completed bank of the dam. The weather of the past year has been such, however, that this promise cannot be carried out, where the money is going and be able to get some idea of the immensity of the work.

BOYS HARD AT WORK ON FISH DESIGNS

There is a run on the colored fish pictures on display in the Promotion Committee rooms and it is seldom that a visitor may drop in there during office hours without finding some busy youth down on his knees before the pictures, taking off a tissue paper tracing and making copious notes concerning color arrangement and fin structure. These are boys preparing to take part in the bicycle section of the Floral Parade, the section that is known now as the Hawaiian fish section. The boys with bicycles are taking an intense interest in the parade this year and if one half of them work out to a finish the designs they have started, the bicycle part of the parade will be one of the very best.

Under the foregoing laws when the Rapid Transit Company was formed, its attorneys took the position that the law provided that it should incorporate under the second of the above methods of incorporation, to wit: by filing Articles of Association. This procedure (Continued on Page Two.)

Rushing Guns, Ammunition, Submarine Mines and Army Supplies to Honolulu and Manila--Washington Alarmed--Oregon Joins in Agitation--California Passes a Most Offensive Bill.

(Associated Press Cablegrams.)
SAN FRANCISCO, February 5.—There is an unusual activity in naval circles on the Pacific Coast. The bark Mohican sails today for Honolulu, carrying two disappearing guns for Pearl Harbor, while the steamship Asia, which also sails today, will carry two hundred submarine mines and twenty-five hundred cases of ammunition for Manila.

BRINGING SUPPLIES FOR ARMY.
The transport Sheridan, due to sail for Honolulu today, will take three thousand tons of army supplies for that port.

TORPEDOERS BACK.
The vessels of the torpedo flotilla have returned to San Francisco on sudden orders from Washington.

OFFENSIVE SCHOOL LAW PASSED.
SACRAMENTO, February 5.—The resolution introduced in the Assembly to compel the children of Japanese residents of the State to attend separate schools has passed by a vote of forty-six to twenty-six.

ROOSEVELT APPEALS TO GOVERNOR.
WASHINGTON, February 5.—Immediately on the receipt of the news that the California Assembly had passed the Japanese school segregation resolution, President Roosevelt telegraphed to Governor Gillett that the action just taken was the most offensive of all the offensive bills. He appealed to the Governor to veto it.

GOVERNOR WILL APPEAL TO ASSEMBLY.
SACRAMENTO, February 5.—Governor Gillett will send a special message to the Assembly today asking for a reconsideration of yesterday's action. He will urge the Assembly to stand by the Administration.

CONSTERNATION AT WASHINGTON.
WASHINGTON, February 5.—The news of the action taken yesterday by the California Assembly has created surprise and consternation among the officials here.

AMBASSADOR TAKAHIRA HAS CALLED ON SECRETARY OF STATE BAACON to consult over the situation which has been created.

OREGON JOINS IN THE AGITATION.
SALEM, Oregon, February 5.—A resolution was introduced into the State Senate yesterday to memorialize Congress to include Japanese and Hindus in the provisions of the Exclusion Act, which now applies to Chinese.

WOULD SQUELCH INSULTING RESOLUTION.
CARSON CITY, Nevada, February 4.—The sensational resolution which excited the criticism of the President, classing Japanese as a menace to civilization and referring to them as parasites on the world, has been referred by the Senate to the Judiciary Committee, where it is expected that it will be smothered.

CALIFORNIA DEFEATS SOME ANTI-JAPANESE BILLS.
SACRAMENTO, February 4.—Anti-Japanese bills and bills seeking to prohibit aliens from becoming directors in corporations existing under the law of this State, and bills segregating undesirable classes in communities, were today defeated in the Assembly.

BELIEVED QUALTROUGH VERDICT IS GUILTY

GIBRALTAR, February 5.—It is unofficially understood here that the court martial has found that the specifications of the charge against Captain Qualtrough, of the battleship Georgia, have been proved. He was charged with having been intoxicated during a reception given to the officers of some of the battleships.

AFTERNOON CABLE REPORT.

LOS ANGELES, February 4.—"Lucky" Baldwin, yesterday reported dying, shows marked improvement today.

SACRAMENTO, February 4.—The anti-racetrack gambling bill has passed the Senate and goes to the Governor for his signature today.

WASHINGTON, February 4.—President Roosevelt's secretary, Loeb, will, upon the retirement of this administration, become Collector of Customs for the port of New York.

SAN FRANCISCO, February 4.—U. S. S. cruiser Buffalo arrived here today from Honolulu.

WATCH OUT FOR THE LADIES WITH TAGS ON SATURDAY

Following is a list of chaperones and tag-girls who are to serve on tag day:
Chaperones—Mrs. Lewton-Brain, Mrs. Royal D. Mead, Mrs. W. L. Whitney, Mrs. E. Watson, Mrs. Fred Macfarlane, Mrs. Mary Gunn, Mrs. Lanz, Mrs. Geo. Rodiek, Mrs. Carl Du Roi, Mrs. J. R. Galt, Mrs. Herman Schultze, Mrs. Fred Bush, Mrs. C. M. V. Forster, Mrs. Clifford Kimball, Mrs. Arthur Berg, Mrs. E. D. Tenney, Mrs. Laura Wight, Mrs. Chas. Atherton, Mrs. J. P. Cooke, Miss Grace Cooke, Mrs. F. J. Patterson, Mrs. W. A. Love, Mrs. A. N. Campbell, Mrs. R. Reidford, Mrs. E. E. Richardson, Mrs. P. F. Frear, Alonzo Cartley, Mrs. Lansing, Mrs. Louis Abrams, Mrs. Captain Soule, Mrs. H. H. Williams, Mrs. Arthur Wall, Mrs. Mannie Phillips, Miss Belle Weight, Mrs. J. W. Jones, Miss Lawrence, Miss Sarah Smith, Mrs. F. C. Atherton, Mrs. Clarence Cooke, (Continued on Page Five.)